

# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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# PCT

## WRITTEN OPINION

(PCT Rule 66)

Date of mailing  
(day/month/year)

26.03.2003

Applicant's or agent's file reference

E-1320/02

**REPLY DUE**

**within 3 month(s)**  
from the above date of mailing

International application No.

PCT/IT02/00492

International filing date (day/month/year)

26/07/2002

Priority date (day/month/year)

27/07/2001

International Patent Classification (IPC) or both national classification and IPC

F04D29/32

Applicant

SPAL S.R.L. et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain document cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

**If no reply is filed**, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: **27/11/2003**.

Name and mailing address of the international preliminary examining authority:

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Authorized officer / Examiner

Fistas, N

Formalities officer (incl. extension of time limits)

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**I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, pages:**

1-5 as originally filed

**Claims, No.:**

1-5 as originally filed

**Drawings, sheets:**

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

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☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N) Claims 1-5

Inventive step (IS) Claims

Industrial applicability (IA) Claims

2. Citations and explanations  
**see separate sheet**

Document US-A-5 193 981 (D1) defines a relevant state of the art with respect to the subject-matter of claim 1, since this document discloses a ventilation unit of the type comprising an electric motor 24, the output shaft of which is fitted with a fan 10 having a cup-shaped central body 12, 14, 16 and a number of blades 18, said central body being defined by a base wall 22, and by an annular wall 14 from whose face said blades extend, whereby at least one through window 44 is formed in said annular wall. Furthermore, even not explicitly mentioned it is evident that the slots, in use, are suitable for channeling out any condensate formed inside said central body (cf. column 2, line 39 to column 3, column 37; Figures 1-4).

The subject-matter of claim 1 is therefore known.

Dependent claims 2-5 of the application cannot save claim 1 because they do not add any novel feature with regard to the document D1 cited in the search report.

Figures 1 and 2 of D1 show that a number of through windows (passages) is provided close to the peripheral edge of the base wall 22 and that the passages are equally spaced. Further, it is clear from column 3, lines 17-19 that the through windows (through-going passages) are radially and slot shaped and are provided in a gap between ribs which are arranged between adjacent blades 18 (cf. also Figure 1 of D1).